

UST LAW CHANGED !

➡ NEW FEE

The UST fund has been operating in a deficit. The State of Tennessee has budgeted a one-time appropriation of \$10 million into the UST fund to address the backlog of payments on outstanding reimbursement claims. This appropriation will be matched by money from a one-time assessment of a fund maintenance fee that will be assessed for all tanks during the next fee year (July 2004 - June 2005). This fee is **in addition to** the annual tank fee. The invoice for the annual tank fee will also contain the assessment for the fund maintenance fee. Pursuant to the new legislation, the fund maintenance fee will be assessed as follows:

Ownership Category	Fund Maintenance Fee per Tank
1 to 5 tanks, all located at one facility	\$400
1 to 5 tanks, located at more than one facility	\$710
Local Government Agency	\$710
6 tanks or more	\$710

Example	An owner with six (6) tanks will be assessed (\$710 x 6 tanks) for the Fund Maintenance Fee	\$4260
	Plus (\$125 x 6 tanks) for the annual tank fee	+ \$750
	TOTAL	\$5010

➡ CERTIFICATES WILL NOT BE ISSUED IF ANY FEES OR PENALTIES ARE OWED

- **Posting on the UST web site** (www.tdec.net/ust). A facility not issued a certificate because fees or late payment penalties have not been paid will be posed on the UST website.
- The posting of this information serves as a notice to distributors, corrective action contractors, property owners, potential property buyers, lending institutions, etc. that the facility does not have a valid certificate and may not be fund eligible.

➡ FAILURE TO PAY FEES = LOSS OF FUND ELIGIBILITY!!!

- **Loss of fund eligibility.** Fees not timely paid in response to the fee invoices will result in the loss of fund eligibility.
- Loss of fund eligibility means that the cost of cleaning up a petroleum leak or paying a third party claim (a lawsuit filed by someone whose property is damaged by the leak) **will not be reimbursed from the fund.** The tank owner and/or operator will be responsible for all costs.
- Additionally, owners and/or operators that have lost eligibility will be required to prove that they have another means of paying for cleaning up a release and for paying a third party claim. For example, if the owner has to buy private insurance to replace lost fund eligibility he will have to have at least \$2 million in insurance coverage.



APPLICATION FOR FUND ELIGIBILITY - FILING DEADLINE!!!

- To receive fund reimbursement for the costs associated with a release, an Application for Fund Eligibility must be filed with the Division within the following timeframes:
 1. **Within 90 days** of discovery of a suspected release which is subsequently confirmed or
 2. **Within 60 days** of a release identified in any other manner.
- If an application is not timely filed with the Division of Underground Storage Tanks, the clean up costs **will not be reimbursed** from the fund.



REIMBURSEMENT COST - FILING DEADLINE!!!

- On or after July 1, 2004 the new law requires that all applications for clean-up costs be filed with the division **within one year of performance of the task(s)** covered by that application.
- Costs that are filed late will not be eligible for reimbursement by the fund.



NOTIFY PROPERTY OWNER WITHIN SEVEN (7) DAYS OF RELEASE CONFIRMATION

If the tank owner/operator is not the property owner, the following must occur or the owner/operator is in violation of the Act:

- The tank owner and/or operator must notify the owner of the petroleum site that a release has been confirmed within seven (7) days of release confirmation.
- Notification must be by means of certified return receipt mail.
- When applying for fund eligibility, documentation of that certified notification, including a copy of the signed green card, must be supplied to the Division of Underground Storage Tanks.

To view the amendments to the UST Act, go to the following two web sites. Please note that the second document amends or changes the first document:

<http://www.legislature.state.tn.us/bills/currentga/Amend/HA1279.pdf>

<http://www.legislature.state.tn.us/bills/currentga/Amend/HA1005.pdf>

Additional information will be posted on the website for the Division of Underground Storage Tanks at www.state.tn.us/environment/ust. The Division of Underground Storage Tanks may be contacted at:

The Division of Underground Storage Tanks
4th Floor, L&C Tower
401 Church Street
Nashville, TN 37243-1541
(615)532-0945



Tennessee Department of Environment and Conservation, Authorization
No. 327100, 3,200 copies. This public document was promulgated at a
cost of \$0.07 per copy. June 2004.